



U.S. Department  
of Transportation

**Pipeline and  
Hazardous  
Materials Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

**JUN 14 2005**

DOT-E 13443  
(FIRST REVISION)

EXPIRATION DATE: November 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: SemMaterials, L.P.  
(Former Grantee: Koch Materials Company)  
Tulsa, OK
2. PURPOSE AND LIMITATION:
  - a. This exemption authorizes the unloading of certain Class 8, corrosive liquids from a non-specification, non-bulk packaging without first removing the packaging from the transport vehicle. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.28(b) in that leakproofness testing is not required prior to reuse, § 173.202 and § 173.203 in that non-DOT specification or non-UN Standard packaging is authorized except as prescribed herein; and § 177.834(h) in that the contents of the packaging may be discharged without removing the packaging from the transport vehicle.

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5. BASIS: This exemption is based on the application of SemMaterials, L.P. dated May 25, 2005, submitted in accordance with § 107.107.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Corrosive liquid, basic, organic, n.o.s.	Class 8	UN3267	II, III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The prescribed packaging is a steel, 24 inch diameter, 100 gallon cylindrical fuel tank constructed, marked, and located on the motor vehicle in accordance with the Federal Motor Carrier Safety Administration requirements of 49 CFR §§ 393.65 and 393.67 for liquid fuel tanks. The tank has a 12 gauge minimum thickness. The tanks must be securely mounted to an asphalt emulsion trailer with steel banding and located as indicated in the exemption application on file with OHMEA.

b. OPERATIONAL CONTROLS -

i. Tanks may only be used for unloading chemical additives for use in asphalt emulsions for road construction.

ii. Tanks may not have hoses and pumps and hoses attached during transportation. Tanks may be unloaded using pumps and hoses that are maintained at the job site. Pumps and hoses may not be transported unless they are cleaned and purged of hazardous materials prior to transportation.

iii. Tanks must be leakproofness tested and marked in accordance with § 173.28(b) at least once every five years.

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8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. The motor vehicle carrying the tank authorized by this exemption must be placarded in accordance with Subpart F of Part 172.

d. The tank must be marked "DOT-E 13443" on a contrasting background in accordance with § 172.302(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle only.10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.

*Robert A. McGuire*  
Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: DB/AM